

Luke Andrew Busby, Ltd.  
 Nevada State Bar No. 10319  
 316 California Ave.  
 Reno, NV 89509  
 775-453-0112  
 luke@lukeandrewbusbyltd.com  
*Attorney for the Plaintiff*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

COURAGE UHUMWNOMA OSAWE,

Plaintiff(s),

vs.

DMV INVESTIGATOR JENNIFER  
 TINSLEY, DMV INVESTIGATOR  
 BRIAN BOWLES, DMV  
 INVESTIGATOR WILLIAM LYONS  
 and DMV SERGEANT TODD  
 PARDINI; and JOHN DOES I through  
 X, inclusive

Defendant(s).

Case No. 3:18-cv-00600-RCJ-WGC

**REPLY TO OPPOSITION TO**  
**MOTION TO COMPEL**  
**SCHEDULING OF EARLY**  
**CASE CONFERENCE**

COMES NOW, COURAGE UHUMWNOMA OSAWE, (“Osawe” or “Plaintiff”), by  
 and through the undersigned counsel, and hereby files the following Reply to the February  
 26, 2019 Opposition to Motion to Compel Scheduling of Early Case Conference filed by  
 DMV INVESTIGATOR JENNIFER TINSLEY (“Tinsley”), DMV INVESTIGATOR  
 BRIAN BOWLES (“Bowles”), DMV INVESTIGATOR WILLIAM LYONS (“Lyons”), and

DMV SERGEANT TODD PARDINI (“Pardini”) (collectively “the Defendants”); and JOHN DOES I through X, inclusive.

This Reply is made and based upon all of the pleadings and records on file for this proceeding together with every exhibit that is mentioned herein or attached hereto (each of which is incorporated by this reference as though it were set forth hereat in haec verba), if any there be, as well as the points and authorities set forth directly hereinafter.

### MEMORANDUM OF POINTS AND AUTHORITIES

The Defendants argue that the Plaintiff's Motion is not ripe because the requirement to meet and confer would not accrue until approximately a month after the motion was filed. *Opp.* at 2:8. As argued in the Motion, FRCP 26(f) and the Local Rules require counsel for the Plaintiff to seek to schedule and Early Case Conference (“ECC”) as soon as practicable. See FRCP 26(f)(1) and LR 26-1(a). The requirement to confer at an ECC is ripe as soon as a response to a complaint is filed.

The Defendants argue that the Plaintiff's argument that the Defendants have refused to schedule the ECC is a mischaracterization because Defendants communicated their intention to file a motion to stay discovery before any conference or report due dates would accrue. *Opp.* at 2:20. This argument defies common sense. The Defendants are either willing to participate in the scheduling of an ECC or not. As shown in Exhibit 1 to the Motion, the Defendants have refused to, and continue to refuse to, participate in the scheduling of the ECC because the Defendants believe that they should not be required to participate in discovery, hence their Motion to Stay Discovery.

1  
2 The Defendants argue that counsel for the Plaintiff has not been reasonable in the  
3 filing of the Motion and inaccurately paints Defendant's counsel in a negative light. *Opp* at  
4 3:13 and 16. The Local Rules and the Rules of Civil Procedure require that the Plaintiff seek  
5 to schedule an ECC. The Plaintiff's counsel did so, and the Defendants refused to cooperate  
6 as the rules require. The facts are the facts and the undersigned counsel for the Plaintiff did  
7 not paint Defendant's counsel in any light by presenting the facts. The underlying Motion  
8 was not filed without reason and the undersigned counsel has, as such, been reasonable.  
9

10  
11 WHEREFORE, the Plaintiff respectfully requests that the Court issue an order  
12 compelling the Defendants to participate in an ECC and to develop the discovery plan  
13 required by FRCP 26(f)(2) on March 13, 2019, at 3 p.m. and award attorneys fees and costs  
14 to the Plaintiff associated with the Defendant's failure to cooperate in scheduling the ECC  
15  
16 Respectfully submitted this February 26, 2019.

17  
18 By:   
19 Luke Busby  
20 Nevada State Bar No. 10319  
21 316 California Ave.  
22 Reno, NV 89509  
23 775-453-0112  
24 [luke@lukeandrewbusbyltd.com](mailto:luke@lukeandrewbusbyltd.com)  
25 *Attorney for the Plaintiff*  
26  
27  
28


**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5, I certify that on the date provided below, I caused service to be completed by:

- \_\_\_\_\_ personally delivering;
- \_\_\_\_\_ delivery via Reno/Carson Messenger Service;
- \_\_\_\_\_ sending via Federal Express (or other overnight delivery service);
- \_\_\_\_\_ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; or,
- XXXX delivery via electronic means (ECF, fax, eflex, NEF, etc.)

a true and correct copy of the foregoing document addressed to:

AARON D. FORD  
Attorney General  
NATHAN L. HASTINGS (Bar No. 11593)  
Senior Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
555 Wright Way  
Carson City, NV 89711  
(775) 684-4606 (phone)  
(775) 684-4601 (fax)  
NHastings@ag.nv.gov  
Attorney for Defendants

By:  Dated: 2/26/2019  
Luke Busby